





PLANNING & ZONING COMMISSION

AGENDA REQUEST

AGENDA OF:	01/09/07	AGENDA REQUEST NO:	V-B
INITIATED BY:	KEVIN HAYES, SENIOR PLANNER	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	SABINE SOMERS-KUENZEL, AICP DIR. OF PLANNING	ASSISTANT PLANNING DIRECTOR:	N/A
		ADDITIONAL DEPARTMENT HEAD (S):	PAT WALSH, P.E.  FOR PW
SUBJECT / PROCEEDING:	CONDITIONAL USE PERMIT FOR A PRIVATE SCHOOL AT ST. THERESA CATHOLIC CHURCH CAMPUS AT 115 SEVENTH STREET IN THE STANDARD SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT CONSIDERATION AND ACTION		
EXHIBITS:	STAFF REPORT; STAFF REPORT FROM 12/12/06 COMMISSION MEETING; VICINITY MAP; AERIAL GRAPHIC; DRAFT ORDINANCE COMPONENTS, SITE STATISTICS (SQUARE FOOTAGES, PARKING, QUEUING) AGREEMENT BETWEEN KNIGHTS OF COLUMBUS AND ST. THERESA CATHOLIC CHURCH, SITE PHOTOS, APPLICATION; DRAFT CUP ORDINANCE; EXISTING CAMPUS (PROVIDED IN HARDCOPY ONLY); PHASE I (PROVIDED IN HARDCOPY ONLY); PHASE 2 (PROVIDED IN HARDCOPY ONLY); CAR POOL QUEUE (PROVIDED IN HARDCOPY ONLY)		
CLEARANCES		APPROVAL	
LEGAL:	N/A	DIRECTOR OF PLANNING:	SABINE SOMERS-KUENZEL, AICP 
RECOMMENDED ACTION			
Staff recommends approval with the following conditions:			
<ol style="list-style-type: none">1) The Church will not schedule special events that overlap with the school's regular hours or special events2) The Church will retain queuing and parking rights on the Knights of Columbus site3) The Knights of Columbus site will not generate parking demand during pick up and drop off times at the school4) At the time the site plan is approved, the Church will enter into a Development Agreement to assess the need and potential cost participation for improved intersection capacity at Burney and Seventh and a signal at Burney and Jess Pirtle after State Highway 6 improvements are completed5) Attachment of the Phase Two conceptual plan and the carpool plan with parking, queuing, and monitoring information6) Student cap per the applicant request of not more than 528 students			

EXECUTIVE SUMMARY

St. Theresa Catholic Church has requested a conditional use permit (CUP) for the creation of a Private School at the campus church facilities located at 115 Seventh Street, in the Standard Single-Family Residential (R-1) district. The site is surrounded by both R-1 and HR-1 zoning and largely residential land uses, with a considerable amount of public uses in the immediate area, including the existing St. Theresa Church, City Park serving community needs, and Sugar Land Middle School. Traffic from these existing public uses currently impacts the immediate street system and residential areas. The central decision point for this Conditional Use Permit is whether the impact of the addition of a school parking and traffic generator can be reasonably mitigated.

A Traffic Impact Analysis (TIA) was submitted to the City in March, 2006. At that time, the assumption had been that the school buildings would be added to the north of the existing church buildings with no demolition of existing church facilities. The revised concept that is before the Commission shows buildings that are more compact, and will result in the replacement of the education building currently located between the church and the St. Theresa Community Center. Further, the revised circulation plan for the school pick up and drop off focuses all traffic entering and exiting the site to a driveway on Seventh Street.

Although the additional building square footage has decreased from the concept that was originally contemplated, the traffic generation data remains the same because the proposed number of students is the same. The off-site traffic impacts projected in the March 2006 TIA are still valid, with the potential exception of altered impacts as a result of the new circulation and access plan. The primary anticipated effect of this revised plan on traffic near the school is an altered distribution of turning and thru movements at the intersection of Burney and Seventh Street. The study's recommendations regarding traffic mitigation are primarily still valid, although the recommended alternative for adding capacity at the Burney/Seventh intersection may need to be further refined. The need for further refinement is the result of several factors, including the aforementioned altered traffic distribution at the intersection, the unpredictability of the effects of the completion of the State Highway 6 overpass over U.S. 90A, and right-of-way constraints.

If approved, the construction will be phased in the following three parts:

- 1) Phase 1(a), completion date of August 2007, includes the following facilities: 15 classrooms; School offices; Church offices; Library and computer room; parking and drive configuration; and entry courtyard.
- 2) Phase 1(b), completion date of August 2008 will include adding additional parking and demolishing two existing buildings.
- 3) Phase 2, completion date of August 2011, will include an additional 10 classrooms and a playground;

At the December 12, 2006 Planning and Zoning Commission meeting, the applicant made a presentation, and then two people spoke at the public hearing – one spoke in opposition and one had several questions. The Commission's discussion focused largely on the on- and off-site traffic impacts. A discussion of the information that the Commission requested immediately follows this summary.

The introduction of the school will by its nature impact the traffic on the adjoining roadways. The primary question is whether the impact can be mitigated. The March 2006 TIA suggests that the normal operation of the school does not unreasonably overburden the adjoining roadways, especially when considering the adjoining public park use peaks at different times. Based on the results of the study, Engineering staff

recommends two significant proposed improvements to the surrounding roadways be re-evaluated after Phase I of the school is implemented and after the State Highway 6 overpass over U.S. 90A is complete (expected by the end of 2007). If these improvements are found to be necessary, the timing and the applicant's proportionate share will need to be determined. An agreement will be necessary at the time of the site plan approval to establish the expectations of both parties.

John Clements, Jackson Ryan Architects jclements@jacksonryan.com

File No. 7082

EXHIBITS

Questions / Comments from the Commission at the Public Hearing on December 12, 2006:

The Commission's concerns mainly focused on traffic related issues, both with the traffic circulation regarding the car pool queue and off-site issues. The following is *additional information (in italics)* in response to the Commission's questions and concerns:

1) Clarification of class times

School arrival time for the lower school will begin 15 minutes (morning) and 30 minutes (afternoon) after the arrival time for the middle school, allowing for staggering of arrival times with some overlap.

2) Clarify the number of stories for the school and additional square footage information

The applicant had informed the Commission that the new school building will be a maximum of 2 stories. To assist with visualizing the existing versus proposed site, the applicant will also furnish hard copies of renderings of the proposed elevations at the Commission meeting on January 9, 2007.

3) Applicant should distinguish between what is public versus private on drawings.

Additional graphics are attached.

4) Will there be crossing guards for students that are walking/biking to school?

The applicant has informed staff that crossing guards will be employed

5) How will the queuing be enforced? Where 2 lanes merge into 1 lane in the queue lines, what is the control? Is on street parking allowed on 7th Street and the surrounding streets around St. Theresa's? What prevents parents from by-passing the queue and causing congestion on the streets? Will there be a guard at Burney/Main Street and St. Theresa Blvd?

According to the applicant, the church intends to enforce the traffic plan (attached on the carpool graphic) by stationing monitors at the entrance to the Knights of Columbus and St. Theresa parking lots on either side of St. Theresa Blvd. Further, at the beginning of each semester, the church will

station staff within the parking lot to teach drivers the pattern, and it will inform parents of their noncompliance when they do not follow the intended plan.

- 6) Would parking be allowed in the queuing areas where parking is available (in the parking lots)?

The applicant states that parking will be substantially inaccessible during peak queuing times. This presents a need to clarify whether parking will be needed during these times. The applicant has indicated that it will not permit Knights of Columbus to use its parking during the pick-up and drop-off times.

- 7) Clarify the City's plans for Burney/Main Street and 7th Street. Are there any plans for a signal? How does the vehicle count on Burney/Main St factor in? How does the pending Burney Rd by-pass factor in? What is the current level of service on roads surrounding the church and what is the impact after each phase?

The TIA identified the Jess Pirtle and Burney Road intersection, as well as the Burney Road and Seventh intersection, as potentially needing improvements. The addition of the school will further deteriorate the functionality of the intersections. To address the negative impact, the TIA recommended adding a traffic signal at Jess Pirtle and potentially additional turn lane capacity at Seventh Street. However, pending roadway improvements within the vicinity will significantly change the existing traffic patterns at the impacted intersections. Of primary importance is TxDOT's ongoing construction of an overpass for State Highway 6 over U.S. 90A. Once this overpass is complete, it is anticipated that traffic north-south traffic will gravitate to S.H. 6 and conditions will improve on Burney Road. A Development Agreement that outlines a process for assessing the need for improvements and determining cost participation will be necessary at the time of the site plan. Until the overpass is complete and the traffic has been studied, it will not be possible to appropriately assign fair cost participation allocations.

The City is currently under design to reconstruct Main Street from U.S. 90A through Seventh Street. However, this project will not add additional capacity to Main Street. Fort Bend County is partnering with the City to widen Burney Road from Voss Street north through Florence Road. The "Burney Road Bypass", now referred to as University Boulevard North, has been studied by the City. This project would include the construction of University Boulevard north from U.S. 90A through Tract 3, and include an east-west arterial from S.H. 6 connecting to Burney Road north of Jess Pirtle. This project is under review and may change through the review of submittals received for the potential development for Tract 3.

Chapter 1 of the City's Development Code establishes minimum level of service criteria for intersections. According to the TIA, the existing intersection level of service is acceptable (D or better) for all critical intersections along Burney in this vicinity (U.S. 90A, Seventh Street, Harman, Jess Pirtle, and Voss), as well as the Seventh/Wood Street intersection, during peak hours. With the completion of Burney Road improvements at Jess Pirtle and at Seventh Street, the TIA indicates that the peak hour level of service at these intersections will continue to meet City level of service criteria. It should be noted that the TIA indicates that while the overall intersections meet the City's level of service criteria, some individual through and turning movements will experience deterioration in level of service during peak hours. It is possible that these impacts, particularly at Seventh at Burney, could be alleviated with geometric improvements to the intersection.

- 8) Clarification of school and church hours/functions – would they coincide?

The introduction of a school use at this site brings with it the typical and predictable traffic and parking generation of daily weekday use. It also presents the potential for extra-curricular activities,

which may coincide with City Park activities, and possibly public school activities at the Middle School. It is not possible to enforce CUP conditions on adjoining property owners such as the City or the School District, however, the CUP can include conditions that apply to this proposed use, the property devoted to the use, and any property that is connected to the use through a parking agreement.

- 9) Consider 2 CUPs for each phase? Compare with CUP decisions on other churches with multiple phases.

The TIA's recommendations for mitigation (turn lane improvements at Burney at Seventh and traffic signal at Burney and Jess Pirtle) assumed the build out of both phases. In the past, the Commission and Council have heard cases where private schools, and those associated with church uses that also generate traffic, were to occur in multiple phases. In general, the City has approved phases that were likely to occur within the immediate few years following a CUP approval. Phases that were long term have generally not been approved, especially when the information regarding those phases was uncertain. The applicant has requested that both phases be reviewed at the same time, because both Phases are interdependent and included in the church's projection for its future educational need. Both phases are short term.

STAFF REPORT FROM DECEMBER 12, 2006 MEETING:

GENERAL SITE INFORMATION AND ANALYSIS:

The following is a summary of general site information.

Adjacent Zoning	Northwest: Standard Single-Family Residential (R-1) Northeast: Standard Single-Family Residential (R-1) East: Standard Single-Family Residential (R-1) South: The Hill Residential (HR-1) Site: Standard Single-Family Residential (R-1)
Adjacent Land Use	North: Sugar Mill residential subdivision West: Vacant land at Harmon and Burney Road East: City Park South: The Hill residential subdivision Site: Church
Comprehensive Plan	Site: Future Land Use Plan indicates public uses for this property. The request is in compliance with the Comp. Plan.

DEVELOPMENT CODE PROVISIONS FOR CONDITIONAL USE PERMITS:

Sec. 2-22. Standard of Review.

In reviewing the application, the Commission and Council will consider the impact the proposed use would have on surrounding premises and the community, including traffic, noise, and property values; any conditions or restrictions that could mitigate any adverse impact; and other matters that are relevant to a determination of whether the use would be a compatible and appropriate use of the premises.

Sec. 2-23. Conditions.

The Commission may recommend, and the Council may impose, reasonable conditions and restrictions in the granting of a permit to mitigate any adverse impacts of the proposed use. The conditions must be specified in the ordinance approving the permit.

ANALYSIS:

Case Overview:

This case involves the creation of a private school in the R-1 district on the St. Theresa Catholic Church campus. Although the church is existing, there is currently no private school at the site. Private schools (SIC No. 8211), require a CUP in the R-1 district. Parking for the private school is based on a ratio of 1 space for every 20 students (K-8). The preliminary site plan appears to comply with all Code provisions, including parking and setback requirements. Staff has requested additional information from the applicant including:

- Square footage of existing church facilities for reference
- Square footage of proposed facilities for CUP Plan

In addition to the City's Public Hearing requirements, the applicant has arranged meetings with the surrounding residential neighborhood to discuss their plans for expansion and address any concerns. According to the applicant, area neighbors have not expressed concern regarding the expansion itself.

Parking and Traffic Circulation:

When initially examining the viability of this project, the applicant conducted a Traffic Impact Analysis (TIA) which was submitted to the City for review and comments. Since that time, the project size and scope has been reduced, with particular emphasis on limiting the impact to existing public streets and City Park facilities. The applicant has included parking and circulation information on the exhibit titled "Car Pool Queue". The applicant is proposing to use the Knights of Columbus parking lot to satisfy part of the parking requirements and queuing for the private school. An agreement was submitted which states that the Knights of Columbus Club agrees that the church may use the parking lot for parking purposes during church functions. Furthermore, the agreement also states that the Columbus Club property may be used for Car Pool Queue during the AM and PM pick-up/drop off of children at the educational center. The Columbus Club facility requires at least 30 parking spaces based on the square footage. Parking for church is based on the number of seats in the sanctuary and one parking space is required for every four seats. The current number of seats is 854 which requires 214 spaces, with an additional 27 needed for the 528 students. The City Park facility has spaces surrounding the north and northeast. However, staff conveyed to the applicant that those spaces could not be used in the parking or stacking for the addition of a private school. The Parks and Recreation Department confirmed that those spaces are needed for the City facilities. Parking required at the site, including the Columbus Club is 271 spaces, and the applicant is proposing to have 307 spaces. Twenty-three new spaces are proposed adjacent to the Columbus Club. The site appears to meet Chapter Two Article V of the Development Code standards for parking.

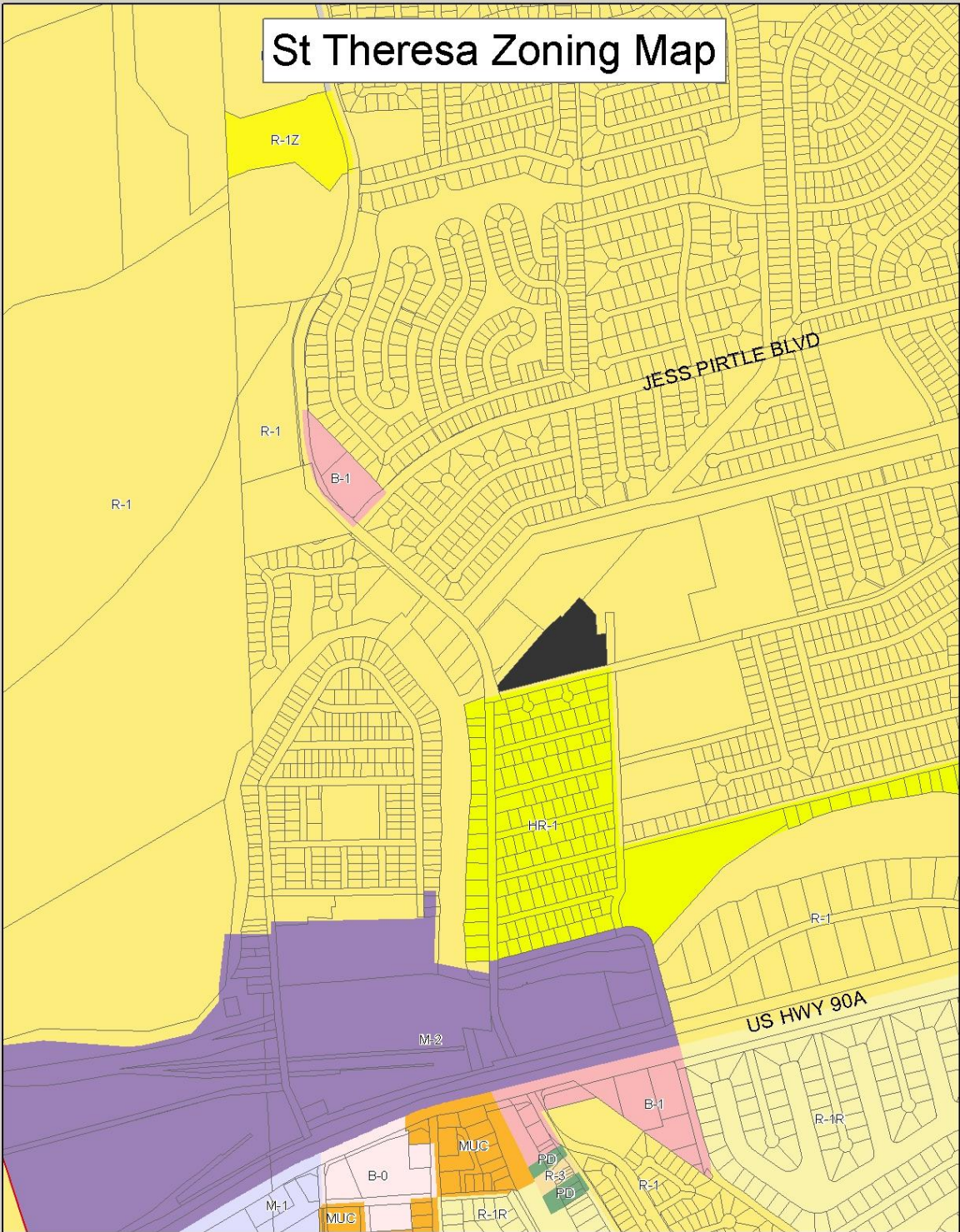
Comprehensive Plan Application:

The future land use plan indicates public use for this area, including all of the church property. A field investigation by staff revealed that there are primarily residential neighborhoods along Seventh Street, with public uses such as schools, parks, and churches at major intersections. Further, the use complies with the Future Land Use Plan (located in the Comp. Plan), which specifies public uses for this property. This land use classification includes churches and related uses. The key question for the Commission is to ensure that there are not any adverse impacts from the proposed new use.

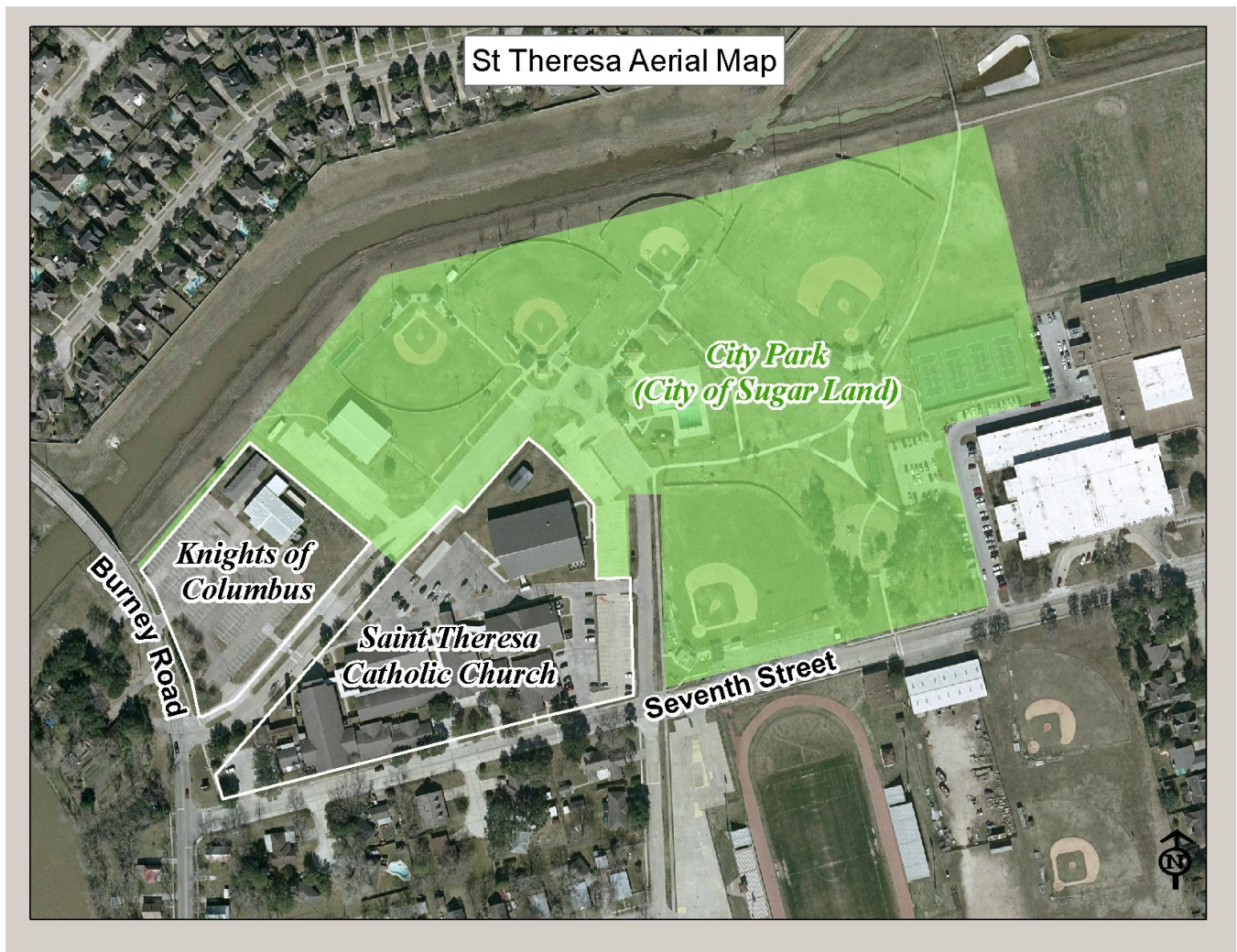
Points for Commission Consideration:

- Is the proposed use (private school) appropriate for the premises?
- Could the proposed school impact surrounding properties and subdivisions?
- If so, are there conditions or restrictions that could mitigate any adverse impacts?
- Maximum square footage and maximum number of students for request (possible cap)

Vicinity Map:



Aerial Graphic:



DRAFT ORDINANCE COMPONENTS:

***Attachment of the Site Statistics Sheet**

***Church will not schedule special events that overlap with the school's regular hours or special events**

***The Church will retain queuing and parking rights on the Knights of Columbus site**

***The Knights of Columbus site will not generate parking demand during pick up and drop off times at the school**

***At the time the site plan is approved, the Church will enter into a Development Agreement to determine cost participation for a turn lane at Burney and Seventh and a signal at Burney and Jess Pirtle Boulevard**

***Attachment of the Phase Two conceptual plan and the carpool plan with parking, queuing, and monitoring information**

***Student cap per the applicant request of not more than 528 students**

Site Statistics:

JACKSON & RYAN ARCHITECTS

STATISTICS
St. Theresa Catholic Church; STTHE, JRA#05015

11 December 2006
page 1 of 1

I. Acreage		
A. Church	5.92 acres	
B. Columbus Club	2.64 acres	
II. Square footage	Existing	Proposed
A. Church	13,000	13,000
B. Chapel	1,800	1,800
C. Administration	5,500	10,600
D. Classroom A	8,200	0
E. Classroom B	5,000	0
F. Youth Center	7,800	0
G. CCE	6,400	0
H. Community Center	10,000	10,000
I. Family Life Center	16,900	16,900
J. School	0	54,300
K. TOTAL	74,600	106,600
III. School Phase Breakdown		
A. Phase 1:	34,000	
B. Phase 2:	20,300	
IV. The Columbus Club	5,900	
V. Parking		
A. Existing	284	
B. Required	271	
C. Provided	307	
VI. Parking Calculations		
A. Church = seating / 4 = 854 / 4 = 214		
B. KofC = sf / 200 = 5943 / 200 = 30		
C. School = students / 20 = 528 / 20 = 27		
VII. Car Pool Que	Arrival	Dismissal
A. Lower School	8:00am	3:00pm
B. Middle School	7:45am	3:30pm
VIII. Car Pool Que Calculations		
A. Total Students (2010)	528	
B. After School Care (5%)	-26	
C. Walk/ Bike (10%)	-53	
D. Kids requiring pick-up	449	
E. # of cars required (1.3 kids / car)	345	
F. 2 carpool shifts (50%)	173	
G. Required stacking (25' / car)	4325'	
H. Provided length of stacking	4329'	

Site Photos:

View from Seventh Street (sign)



View from City Park (West)



View from North



View from Knights of Columbus parking lot (North)



Agreement between Knights of Columbus and St. Theresa Catholic Church:

12/05/2006 15:40 281-242-1393

ST. THERESA CHURCH

PAGE 02/05

RATIFICATION AND AMENDMENT

State to Texas)(
 County of Fort Bend)(

This is in reference to that AGREEMENT entered into in 1983 between St. Theresa Catholic Church and the Columbus Club both of Sugar Land, Fort Bend County, Texas, said AGREEMENT is attached hereto and made a part hereof as Exhibit "A".

This is to RATIFY and AMEND said AGREEMENT between St. Theresa Catholic Church and the Columbus Club for the consideration of Ten Dollars (\$10.00) and other valuable considerations, said AGREEMENT being amended by the addition of the following:

1. The Columbus Club agrees that St. Theresa Catholic Church may use the parking lot for parking purposes during church functions as shown on the Exhibit "B" attached hereto and made a part hereof.
2. The Columbus Club property may be used for Car Pool Queue during the AM and PM pick-up/drop-off of children at the educational center.
3. As additional consideration for the purposes outlined herein St. Theresa Catholic Church will pave the parking area shown on the Exhibit "B" located directly southeast of the Knights of Columbus building and consisting of 23 parking spaces. The cost of said paving will be deducted from any purchase price of the property should St. Theresa Catholic Church purchase the property in the future from the Columbus Club.

All other terms in the AGREEMENT shall remain the same as set forth therein.

This RATIFICATION AND AMENDMENT is dated this 4th day of DECEMBER, 2006 and is hereby agreed to and ratified by both St. Theresa Catholic Church, the Columbus Club and the Knights of Columbus by their signatures and acceptance below.

Accepted and Agreed to this 4th day of DECEMBER, 2006.

St. Theresa Catholic Church

Columbus Club

Knights of Columbus

Fr. Stephen B. Reynolds
Pastor

Mike B. Smith
Vice President

Dennis Marek
Grand Knight

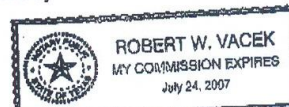
Subscribed to and sworn before me this 4th day of December, 2006 by
Fr. Stephen B. Reynolds, Pastor, St. Theresa Catholic Church.
Notary Public in and for the State of Texas

Betty Jean Rodriguez



Subscribed to and sworn before me this 4th day of December, 2006 by
Vice President, Columbus Club
Notary Public in and for the State of Texas

Robert W. Vacek



Subscribed to and sworn before me this 4th day of December, 2006 by
Dennis Marek, Grand Knight, Knights of Columbus
Notary Public in and for the State of Texas

Robert W. Vacek



Agreement between Knights of Columbus and St. Theresa Catholic Church (cont.):

12/05/2006 15:40

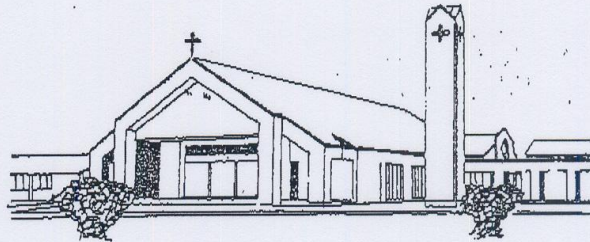
281-242-1393

ST. THERESA CHURCH

PAGE 03/05

EXHIBIT "A"

St. THERESA CHURCH
P.O. BOX 968
SUGAR LAND, TEXAS
ZIP: 77487-0968
713-494-1156



In the year 1983 the two corporate bodies, St. Theresa's Church and the Columbus Club, both of the City of Sugar Land, Texas entered into the following agreement.

On property, owned by the Columbus Club, St. Theresa Church undertook the expense of paving a parking lot at the cost of \$93,000.00.

This lot is owned by the Columbus Club but it is to be used jointly by the Club and St. Theresa's.

The lot is to be maintained by the Columbus Club.

This agreement is to last for ninety-nine years, ie until the year 2082.

If in this period, The Club were to abandon the property the parking lot would become the property of St. Theresa's Church.

If Columbus Club sells the property - St. Theresa's Church would have the first option to purchase.

Such purchase would be made with the understanding that the improvement of the property, ie the paving, was paid for already by St. Theresa's Parish.

W. A. Coughlin
Pastor, St. Theresa
G/K Knight of Columbus
David Harlan

Application:



PLANNING DEPARTMENT CONDITIONAL USE PERMIT OR REZONING APPLICATION

RECEIVED

OCT 16 2006

PLANNING

Please type or print the following information & Return your submittal to the Planning Department, City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Attention: Development Review Coordinator

Applicant

Contact JOHN CLEMENTS

Address 2370 RICE BOULEVARD, SUITE 210 ; HOUSTON, TX 77005

Phone 713.526.5436 Fax 713.526.4241

Email jclements@jacksonryan.com

Owner

Contact DEACON FRANK CROMER

Address 115 7TH STREET ; SUGARLAND, TX 77578

Phone 281.494.1156 EXT. 236 Fax 281.242.1393

Email -

Property Legal Description (1)0097 SM WILLIAMS, ACRES 5.922, CHURCH SITE, EXEMPT
(2)0097 SM WILLIAMS, ACRES 2.000 See Attached

Lot _____ Block _____ Subdivision _____

Current Zoning District R1 Proposed Zoning District, if applicable _____

If this is a CUP application: ☒ new building ☐ existing building

Proposed Use (CUP only) CHURCH AND SCHOOL

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the undersigned is authorized to make this application. This application expires six months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on this request.

X

Signature of Applicant

Date

Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):

- ☒ Three (3) copies of the completed application
- ☒ Check for \$1,000.00 (non-refundable) \$400 if CUP is in Mixed Use Conservation (MUC) District
- ☒ Metes and bounds of the site or county slide number of plat, if recorded
- ☒ Two (2) 24" x 36" blue-line copies and two (2) 11" x 17" copies of the CUP layout plan or the property to be rezoned, including a vicinity map and north arrow on each copy
- ☒ Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including traffic circulation, parking, plan of operation, and other pertinent information
- ☒ Names and mailing addresses of all property owners and tenants within 200 feet of site, including owner and applicant

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.